

To: Senate Co-Chair Andrew McDonald  
House Co-Chair Michael Lawlor  
Senate Ranking Member John Kissel  
House Ranking Member Arthur O'Neill  
Honorable Members of the Judiciary Committee

From: Dennis O'Brien, Judge, Probate District of Windham  
Administrative Judge, Northeast Regional Children's Probate Court

Re: HB 6626 An Act Transferring Jurisdiction of Contested Probate  
Matters to the Superior Court

Date: March 9, 2009

I come before you with what I think is a unique distinction. I was a legal services lawyer for 23 years. After leaving legal aid, I have been a judge of probate for ten years. I firmly oppose HB 6626 and any other bill that proposes the actual or virtual elimination of the probate court system. Technically, House Bill 6626 leaves the probate system intact. Nevertheless, by transferring jurisdiction of all contested probate matters to the superior court, this bill would stop experienced probate judges like me from continuing to exercise judicial authority in cases in which we have expertise.

I am an honors graduate of the University of Connecticut and its School of Law, and a member of the Law Review based on my class rank. I have been a member of the bar of this state for almost 40 years. I am very proud of my long and distinguished career as a legal services lawyer. I am just as proud of my ten years of service as judge of probate.

Upon graduation from law school in 1972, I received a prestigious Reginald Heber Smith Fellowship from Howard University in Washington, D.C. I began my legal aid career in the Rockville office of the former Tolland-Windham Legal Assistance Program.

In my first decade in legal services I was involved as attorney for the plaintiffs in many successful class action lawsuits and appeals in state and federal courts. During that time I co-counseled with many superb colleagues such as Bruce Morrison, Bill Clendenen and Whitney Lewendon of New Haven, Ray Norko, now a superior court judge in Hartford, and Norman Janes, acting executive director of the Connecticut Bar Association.

From 1982 to 1995, I was chief counsel of Connecticut Legal Services, the statewide legal aid program. I was responsible for initiating and supervising affirmative legal services litigation and projects in nearly all areas of our state but for Hartford and New

Haven. In 1991, I was elected to a seat on the Connecticut Bar Foundation Board of Directors, the first and only active legal aid lawyer to have that distinction. I served in that capacity for 17 years, until I recently retired from the board after taking on additional responsibilities in the probate court system.

In 1995, after twenty-three years as a legal services attorney, I left to enter the private practice of law. Three years later, in 1998, because I wanted to try to approximate the chance I had to serve the disadvantaged when I was in legal services, I successfully sought the position of judge of probate in the District of Windham, which includes Willimantic and Scotland.

My service as judge of probate has given me a second chance to use the legal skills I developed and fine tuned in legal aid to provide services to people in need, perhaps to an even greater extent than I have ever been able to do previously, mostly because of the increased authority I have as a judge with the authority to make decisions.

Two years ago, I was proud to be elected by my judicial colleagues in Northeastern Connecticut to be the administrative judge of the Northeast Regional Children's Probate Court located in Willimantic and Brooklyn. Every day, with the help of our skilled and dedicated probate court officer and clerks, our judges continue to protect children and help them to do better in school and in life. Having handled children's cases for more than ten years, I know of numerous cases in which our court has made a big positive difference in the life of a child.

I take this opportunity, by the way, to thank the members of this committee for the vital role the committee has played in the origin and development of the children's court component of the probate system. The children's probate court is indeed a credit to our state, and an enormous benefit to children, parents and guardians. It must be preserved and nurtured, certainly not terminated by ill advised legislation like HB 6626.

Another way in which I am able to use my skills and experience to help people in need is my involvement as a judge making difficult decisions in cases resulting from applications for conservatorships. There are three large nursing homes and a regional hospital in Windham. Every week I spend a significant amount of time visiting these institutions to conduct hearings in the presence of patient-respondents. Every effort is made in all cases to try to maintain people who are finally determined to be incapable in their own homes, sometimes with around the clock services.

As I have noted, I am fortunate and proud to have worked very closely with a multitude of outstanding lawyers in legal services, on the Connecticut Bar Foundation board, and in the probate court system. With almost forty years of front line experience, I am especially well qualified to evaluate the capability of lawyers I encounter. In addition to being an administrative judge, I have been active in the probate assembly, and I am familiar with the work and capabilities of a great many judges of probate statewide. I am pleased to remind you that they are a very talented and caring assortment of jurists indeed.

To single out only a few from a very long list of judges whose merits I am very much impressed with, Judge Killian of Hartford, Judge Keyes of New Haven, Judge Yamin of Danbury, Judge Green of New London, Judge Fox of Stamford, Judge Cooney of Manchester, Judge Knierim of Simsbury, Judge Streit-Kefalas of Milford, Judge Anthony of Shelton and Judge DePanfilis of Norwalk, among many other excellent jurists far too numerous to mention, are more than fully capable of continuing to do their jobs of addressing contested probate matters in their respective probate courts every day.

To enact HB 6626, and to take jurisdiction of contested cases away from experienced and capable judges such as Judge Killian, Judge Keyes, Judge Knierim, myself and all these numerous other fine jurists at great cost to the people of Connecticut and to the Judicial Branch of government, would be a serious mistake.

I urge the Judiciary Committee to reject this proposal.

